

From: Howard Kistler
Date: 1/16/02 7:33am
Subject: Microsoft Settlement

To Whom It May Concern,

As a long-time computer programmer and software developer, I am urging the Department Of Justice to consider practical and responsible remedies to the monopoly of Microsoft.

Microsoft has long enjoyed immunity from punishment for its many abuses of power. This is in a large part because those abuses allow it make far more money than is ever levied against it in penalty. In truth, it is hard to calculate how large a fine would be necessary to even impact them. That is why other remedies must be pursued, beyond those of simple fines and behavioral decrees.

I believe that one of the only, if not the only, remedies that would address the monopoly situation is to force Microsoft to open up the Windows APIs for competitive development. This would have multiple positive effects, including the following:

1) It would allow true competition in the operating system marketplace. Competition in turn is one of the only factors that drive companies to produce a genuinely better product, and to offer those products at reasonable market prices. It is my opinion that this lack of competition is a large part of what has cause Microsoft to offer increasingly problematic and user-hostile products, and at absurdly inflated prices.

2) It would create transparency in the operating system. This would allow other companies and developers to create products that interface better with the OS, as well as decrease the amount of viruses and other code exploits written which take advantage of the hidden code.

3) It would spur actual innovation from Microsoft, as opposed to it merely bundling in features which increase its monopoly but do not add to, and often hinder, the user experience.

The only argument against this remedy that I can see as viable is that this settlement deprives Microsoft of some of their intellectual property. While very probably true, it is also unfortunate that this is most likely the only way in which Microsoft can be brought to terms in the settlement. As a company which has enjoyed a monopoly position for too long, and which has deprived other firms of their intellectual property and market share, and which has flaunted its disregard for previous judgements against it, I believe that opening the Windows APIs is the only option left to the DOJ if it truly wishes to resolve this issue. Otherwise, we can all expect another investigation like this within the next decade, and each decade after until real action is taken against the Microsoft monopoly.

Sincerely,

Howard Kistler